

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R05-33]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 3, Intern Training and Pharmacy Intern Preceptors
As part of this rulemaking, the Board may add, delete, or modify additional Articles as necessary.

Section numbers: R4-23-301. As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.

2. Subject matter of the proposed rule:

During the January 12, 2005 Board meeting, the Board determined that a clarification was needed regarding intern licensure by foreign pharmacy graduates. Existing rule (R4-23-301) states that to receive a graduate intern license a graduate of an unapproved college or school of Pharmacy (usually a foreign pharmacy graduate) shall pass the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) given by the Foreign Pharmacy Graduate Examination Committee (FPGEC) or be accepted to take the FPGEE. The Board determined that just being accepted to take the FPGEE is not sufficient because it appears that a large majority of individuals who receive a graduate intern license from Arizona never actually work as interns here. It appears the individuals are using the intern license received from Arizona to obtain a visa or work permit and actually work in other states that do not give graduate intern licenses. The Board feels that this is not the proper use of a graduate intern license and intends to amend R4-23-301 to require that an applicant for graduate intern license who graduated from an unapproved college or school of pharmacy shall have completed Foreign Pharmacy Graduate Examination Committee certification. To receive an FPGEC certificate, an applicant has to pass the FPGEE, the Test of English as a Foreign Language (TOEFL), and the Test of Spoken English (TSE). The Board feels this is a necessary clarification to ensure that before working as an intern an individual has basic communication skills and equivalent pharmacy education. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0504

3. A Citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer
Address: Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302
Telephone: (623) 463-2727, ext. 131
Fax: (623) 934-0583
E-mail: rxcop@cox.net

5. The time during which the agency will accept written comments:

The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8 a.m. to 4:30 p.m.
Location: Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302
Nature: Oral comments

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Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R05-32]

1. Title and its heading:

Chapter and its heading:

Articles and their headings:

4, Professions and Occupations

23, Board of Pharmacy

6, Permits and Distribution of Drugs

As part of this rulemaking, the Board may add, delete, or modify additional Articles as necessary.

Section numbers:

R4-23-651, R4-23-653, R4-23-654. As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.

2. Subject matter of the proposed rule:

A recent policy statement by the American Society of Health-System Pharmacists (ASHP) supporting a key proposed revision to the 2006 Medication Management Standards of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) took a historic step in recognizing pharmacists as essential to safe medication use. The proposed revision to the standards, announced on December 9, 2004, includes the requirement that "when an on-site licensed pharmacy is not open 24 hours a day, seven days a week, the organization must make arrangements for a pharmacist's review during these hours." The current hospital standards require only that when the on-site pharmacy is closed, medication orders be reviewed by a health care professional determined by the organization to be qualified in the pharmacist's absence. While not every hospital can achieve 24-hour on-site pharmacy services, ASHP believes that all hospitals can accomplish this proposed requirement through various cost-effective mechanisms. With proper privacy and security protections, pharmacists can receive fax or computer-transmitted medication orders and access patient-specific information at home or other remote locations when the pharmacy is closed. The Board agrees with the proposed standard and intends as part of its mission to protect the public health and safety to implement the proposed standard in Arizona. The Board proposes to amend the hospital rules, specifically R4-23-651 (Definitions), R4-23-653 (Personnel: Professional or Technician), and R4-23-654 (Absence of Pharmacist) to implement the standard requiring pharmacist review of medication orders during the hours an on-site pharmacy is closed. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable:

R0503

3. A Citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

Fax: (623) 934-0583

E-mail: rxcop@cox.net

5. The time during which the agency will accept written comments:

The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8 a.m. to 4:30 p.m.

Location: Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, Arizona 85302

Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING
STATE REAL ESTATE DEPARTMENT

[R05-34]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 28, State Real Estate Department
Article and its heading: 4, Education;
5, Advertising;
7, Compensation;
8, Documents;
12, Developments, including Part A, Application for Public Report, Certificate of Authority, or Special Order of Exemption, and Part B, General Information.
- Section numbers:** R4-28-401 through R4-28-405; R4-28-502; R4-28-701; R4-28-802 through R4-28-805; R4-28-A1201 through R4-28-A1223; and R4-28-B1201 through R4-28-B1211. Sections may be added, deleted, or modified as necessary.
- 2. Subject matter of the proposed rule:**
Pursuant to meetings of Department staff and stakeholders--representatives of the regulated public--as part of its Five Year Rule Review of existing rules and recommendations for new rules, the Department proposes to amend or adopt the rules identified above. Clarifying changes to improve understanding are needed for some rules. As the rulemaking progresses, additional changes which need to be made to these Articles may be identified.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cindy Wilkinson
Address: Real Estate Department
2910 N. 44th St., Suite 100
Phoenix, AZ 85018
Telephone: (602) 468-1414, ext 120
Fax: (602) 468-0562
E-mail: cwilkinson@re.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Oral comments: During the public hearing, not yet scheduled.
Written comments: 8:00 a.m. - 5:00 p.m., Monday - Friday
Real Estate Department
2910 N. 44th St., Suite 100
Phoenix, AZ 85018
- 6. A timetable for agency decisions or other action in the proceeding:**
The Department plans to conclude the rulemaking by December 2005.

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ADMINISTRATION

[R05-31]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System – Administration
Article and its heading: 1, Definitions
Section numbers: R9-22-101 (Other Sections may be added, deleted, or modified as necessary).
- 2. The subject matter of the proposed rule:**
The rules pertain to definitions for payment to providers and non-contracting providers for non-hospital services. The rules are being amended to make them more clear, concise and understandable.

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3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: proposedrules@ahcccs.state.az.us

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

AHCCCS will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. A public hearing will be scheduled later to provide a forum for interactive discussion with interested parties.

6. A timetable for agency decisions or other action on the proceeding, if known:

AHCCCS anticipates filing a Notice of Proposed Rulemaking by January 2005.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA DEPARTMENT OF REVENUE

[R05-47]

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

15, Revenue
2, Department of Revenue – Income and Withholding Tax Section
5, Credits
6, Nonresidents
R15-2C-501, R15-2C-502 and R15-2C-603

2. The subject matter of the proposed rules:

The rules provide guidance on the requirements and procedures for resident and nonresident taxpayers to claim the credit against Arizona income taxes for income taxes paid to another state or country pursuant to A.R.S. §§ 43-1071 and 43-1096, as well as the credit available for property taxes pursuant to A.R.S. § 43-1072.

The agency docket number:

05-2-01

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dan Jensen, Analyst
Address: Tax Policy and Research Division
Arizona Department of Revenue
1600 W. Monroe
Phoenix, AZ 85007
Telephone: (602) 716-6377
Fax: (602) 716-7995
E-mail: DJensen@azdor.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be published in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

THE INDUSTRIAL COMMISSION OF ARIZONA

[R05-30]

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 5, Industrial Commission of Arizona
Article and its heading: 4, Arizona Boilers and Lined Hot Water Heaters
Section numbers: R20-5-401 through R20-5-408 inclusive, and R20-5-410 through R20-5-420 inclusive. (ADOSH may add, delete, or modify additional Sections as necessary.)
- 2. Subject matter of the proposed rules:**

 - 1) To make recommended changes as discussed in the Governor's Regulatory Review Council's five-year review of these rules.
 - 2) To update the rules to the most current and nationally recognized Codes and Standards for boilers.
 - 3) To provide greater clarification and definition to the rules so that the Boiler Section may interact with Owners' as well as Users' and operators in a clear and definitive manner.
 - 4) To provide new rules for the inspection and documentation of "Hobby Boilers" and "Historical Boilers," both of which fall under the current definition of "Power Boiler" as listed in the rules, but for which no inspection criteria or recordkeeping rules exist.

Copies of the material are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007.

As part of this rulemaking, ADOSH may add, delete, or modify additional Sections as necessary.
- 3. A citation to all published notices relating to the proceeding:**
None published
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Edward Zarate, Chief Boiler Inspector
Address:	Division of Occupational Safety and Health Industrial Commission of Arizona 800 W. Washington St., Suite 203 Phoenix, AZ 85007
Telephone:	(602) 542-1648
Fax:	(602) 542-1614
E-mail	e.zarate@ica.state.az.us
- 5. The time during which written submissions may be made and the time and place where oral comments may be made:**
To be published in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action in the proceeding:**
Within one year from the Notice of Rulemaking Docket Opening.